



Western Australia.

ANNO SEXAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. XIV.

AN ACT to provide for the Registration of Firms.

[Assented to, 23rd December, 1897.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. THIS Act may be cited as the Registration of Firms Act, 1897.

Short title.

2. THIS Act shall come into operation on the first day of March, One thousand eight hundred and ninety-eight.

Commencement of Act.

3. IN this Act, unless the context otherwise requires,—

Interpretation.

“Business” includes trade and profession ;

“Firm” means any two or more persons lawfully associated for the purpose of carrying on any business, but shall not include a company registered or incorporated within the British Dominions under, by, or in pursuance of any Act of Parliament, letters patent, or Royal Charter ;

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- “ Firm-name ” means the name or style under which any business is carried on, whether in partnership or otherwise ;
- “ Prescribed ” means prescribed by regulations made in pursuance of this Act ;
- “ Usual name ” includes a signature habitually used for business purposes.

Firm and persons to be registered.

4. FROM and after the commencement of this Act—

- (a.) Every firm carrying on business or having any place of business in Western Australia under a firm-name which does not consist of the full or usual names of all the partners without any addition ; and
- (b.) Every person carrying on business or having any place of business in Western Australia under any firm-name consisting of or containing any name or addition other than the full or the usual name of that person ;

shall register, in the manner directed by this Act, the name under which their or his business is or is intended to be carried on.

Manner and particulars of registration.

5. REGISTRATION under this Act shall be effected by filing with the Registrar of Companies a statement in writing containing the following particulars :—

- (a.) The firm name.
- (b.) The nature of the business.
- (c.) The place or places of the business.
- (d.) The full name, usual residence, and other occupation (if any) of the person or persons carrying on or intending to carry on the business.

Particulars to be written by persons registering, and to be attested.

6. (1.) SUCH statement shall be signed or acknowledged, if in Western Australia, in the presence of a Justice of the Peace, or a Commissioner of the Supreme Court for taking affidavits, or a solicitor, police officer, postmaster or postmistress, and if elsewhere than in Western Australia, in the presence of a British Consul, or Notary Public, or the Agent-General of the Colony or his Secretary, by whom, respectively, such signatures or acknowledgments shall be attested.

(2.) The foregoing provisions of this section shall be deemed to be complied with if any partner in Western Australia signs or acknowledges the said statement.

(3.) The foregoing provisions of this section shall be deemed to be sufficiently complied with if the said statement be signed or acknowledged by any person who has previously filed, in the office of

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the Registrar of Companies, a statutory declaration that he is duly authorised by and on behalf of such persons as are described in such declaration to carry on the business the firm-name of which he desires to have registered.

(4.) A fee of five shillings shall be paid to the Registrar of Companies on filing any such statutory declaration.

7. (1.) FIRMS and persons who at the commencement of this Act are carrying on business in Western Australia shall comply with the provisions of this Act within three months after such commencement.

Time for Registration.

(2.) Other firms and persons required to be registered, as provided by this Act, shall register accordingly before they commence business.

8. THE firm-name of any firm or person registered under this Act shall be used in all matters connected with or relating to the business carried on by such firm or person.

Registered name always to be used.

9. WHEN a change occurs in the constitution of a registered firm, the members of the firm, as reconstituted, shall, within one month after such change, file with the Registrar of Companies a statement thereof in the form in the Schedule to this Act, or in any other prescribed form.

Registration on change of firm-name.

Schedule.

10. A REGISTERED firm changing its firm-name shall be registered as if it were a new firm, and the statement sent or delivered to the Registrar of Companies shall mention the former name of the firm as being abandoned by it as well as the particulars required for a new registration.

Registration on change of firm-name.

11. ANY person who shall fail to comply with any of the provisions of this Act shall, on conviction, be liable to a penalty not exceeding Five pounds for the first offence, and for every subsequent conviction to a penalty not exceeding One hundred pounds.

Penalty for default in registration.

12. (1.) WHEN any firm or person shall fail to comply with the provisions of this Act, and during the default brings, institutes, or commences an action, suit, or proceeding in any Court in the firm-name, or otherwise, for a cause of action arising out of any dealing by or with such firm, or person in the firm-name, such Court may stay all proceedings in the action until such provisions be duly complied with by such firm or person.

Persons in default bringing action shall be ordered by Court to register.

(2.) The power by this section given to the Court may be exercised by a Judge in Chambers.

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Making false returns under this Act to be misdemeanour.

13. EVERY person who wilfully makes, signs, acknowledges, or sends, or delivers to, or files with the Registrar of Companies any false statement purporting to be made under this Act shall be guilty of a misdemeanour, and shall, on conviction, be liable to imprisonment for a term not exceeding two years.

Registrar to file statement and issue certificate of registration.

14. ON receiving any statement made in pursuance of this Act, the Registrar of Companies shall cause the same to be filed, and he shall send by post, or deliver a certificate of the registration thereof to the firm or person registering.

Register and index to be kept.

15. THE Registrar of Companies shall keep, in proper books to be provided for the purpose, a register, and an index of all the firms and the firm-name of persons registered, and of all the statements registered in reference thereto.

Inspection of statements registered.

16. (1.) ANY person may inspect, make a copy of or extracts from the statements filed by the Registrar of Companies, and there shall be paid, for every such inspection, a fee of one shilling.

(2.) Any person may require from the Registrar of Companies a certified copy of the certificate of registration of any firm or person or of the whole or any portion of any registered statement to be certified by the Registrar of Companies, and there shall be paid for every such certificate of registration a fee of five shillings, and for each folio of seventy-two words a fee of sixpence, or such other fees as may be prescribed by the Governor.

(3.) A certificate of registration or a copy of or extract from any statement registered under this Act purporting to be signed and certified by the Registrar of Companies shall, in all courts and before all arbitrators, be admitted as *prima facie* evidence thereof, and of the fact and date of registration as shown thereon.

Power for Governor to make regulations.

17. THE Governor may make, repeal, or alter regulations as to all or any of the following matters:—

- (a.) Prescribing the fees to be paid to the Registrar of Companies under this Act. Provided that for the registration of any one statement the fee shall not exceed the sum of five shillings.
- (b.) Prescribing the forms to be used and the mode of payment of fees under this Act.
- (c.) Prescribing the duties or additional duties to be performed by the Registrar of Companies for the purposes of this Act; and, prescribing generally the conduct and regulation of registration under this Act, and as to any matters incidental thereto.

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18. ALL regulations when made by the Governor shall be published in the *Government Gazette*, and shall, within one month after the making thereof, be laid before both Houses of Parliament, if Parliament be then in Session. or, if not, then within fourteen days after the commencement of the next Session of Parliament; and all such regulations, not inconsistent with this Act, when so published shall have the force of law, and shall continue in force, unless repealed or altered as aforesaid, or disallowed by both Houses of Parliament.

Regulations to be
laid before Parlia-
ment.

19. FOR the purpose of making the statements required by this Act the forms in the Schedule to this Act or any prescribed forms to the like effect may be used, and if used shall be sufficient.

Forms.

In the name and on behalf of the Queen I hereby assent
to this Act.

GERARD SMITH, Governor.

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SCHEDULE.

FORM OF STATEMENT.

REGISTRATION OF FIRMS ACT, 1897.

A.—Original Registration of a Firm.

The Firm-name is

The business of Firm is

It is intended to carry on the business at

Names of persons carrying on [or intending to carry on the business.]

Full Name (to be written or acknowledged by each person himself).	Usual residence.	Other Occupation, Description, and Addition (if any).

Date of intended commencement of business, or establishment of a new place of business, if after the commencement of the Act.

Signed and declared _____ at _____
on the _____ day of _____ 189 _____.

Before me _____ a Justice of the
Peace for _____, [or as the case may be,] Commissioner of the
Supreme Court for taking Affidavits, or _____ Solicitor,
or British Consul at _____, or _____ Notary Public of
or the Agent-General, or his Secretary.

REGISTRATION OF FIRMS ACT, 1897.

B.—Notice of Change in Constitution of Registered Firm.

* Registered firm.
name & Co.

We, the undersigned [*the members of the firm as reconstituted*]* hereby give notice that on the _____ day of _____ 189 _____, the following change took place in the constitution of the firm registered by the name of _____ & Co., that is to say,—

† As the case may be.

‡ *Description of a New Member.*

‡ As upon original registration.

Full Name.	Usual Residence.	Other Occupation, Description, and Additions (if any).

Signed and declared, &c.

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C.—Notice of Change of Registered Firm-name.

(In addition to Form A.)

The persons now registering are the persons who heretofore carried on
business under the registered firm-name of §
which is abandoned as from the date of this notice. & Co., § Registered firm-
name & Co.